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**MAJOR ISSUES IN THE MANAGEMENT OF ENCLOSED  
OR SEMI-ENCLOSED SEAS, WITH PARTICULAR  
REFERENCE TO THE CARIBBEAN SEA**

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## **Acronyms and Abbreviations**

ACS	Association of Caribbean States
AMEP	Assessment and Management of Environmental Pollution
ASEAN	Association of South East Asian Nations
BSEP	Black Sea Environmental Programme
CAP	Caribbean Action Plan
CARICOM	Caribbean Community
CBD	Convention on Biological Diversity
CEP	Caribbean Environment Programme
CEPNET	Information Systems for the Management of Marine and Coastal Resources
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CSCAP	Council for Security Cooperation in the Asia-Pacific
ECLAC	Economic Commission for Latin America and the Caribbean
EEZ	Exclusive Economic Zone
EIB	European Investment Bank
EMA	Environmental Management Authority
EU	European Union
GEF	Global Environment Facility
GIS	Geographical Information Systems
GPA	Global Programme of Action
IMO	International Maritime Organization
ISN	Island Systems Management
IUCN	The International Union for the Conservation of Nature and Natural Resources
MAP	Mediterranean Action Plan
MCSD	Mediterranean Commission on Sustainable Development
MCU	Mediterranean Coordinating Unit
MEA	Multilateral Environmental Agreement
MEDPOL	Coordinated Mediterranean Pollution Monitoring and Research Programme
MTF	Mediterranean Trust Fund
NAP	National Action Plan

NGO	Non-Governmental Organization
OECS	Organisation of Eastern Caribbean States
PCU	Programme Coordinating Unit
RAC	Regional Activity Centre
RAN	Regional Activity Network
SAP	Strategic Action Plan
SIDS	Small Island Developing State(s)
SPAW	Specially Protected Areas and Wildlife
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change

## SECTION 1: ENCLOSED, SEMI-ENCLOSED, COASTAL AND MARGINAL SEAS: GEOGRAPHICAL AND LEGAL PARAMETERS

### 1.1 Introduction

Enclosed, semi-enclosed and coastal seas abound across the globe, often changing names from one region to another.<sup>1</sup>

**Table 1: Major Enclosed or Semi-enclosed Seas<sup>2</sup>**

Sea	Area (sq. km)
The Baltic Sea	370,000
The Black Sea	423,000
Bo Hai (Gulf of Chihli, Northern China)	80,000
The Caribbean Sea	2,640,000
Chesapeake Bay	15,000
Gulf of Mexico	1,500,000
Gulf of Thailand	320,000
Mediterranean Sea	3,000,000
North Sea	575,000
Persian Gulf	260,000
San Francisco Bay	1,500
The Seto Inland Sea	22,000

The terms “marginal sea” and “marginal bay” are also used to refer to some of these features. For example, the Caribbean Sea, together with Baffin Bay, Hudson Bay and the Gulf of Mexico, are to be included among the large marginal seas and bays located on the western side of the Atlantic. Their counterparts on the eastern side of the Atlantic include the Baltic, the Bay of Biscay, the Black Sea, the Mediterranean, and the North Sea. Corresponding features in the Asia-Pacific region include the Beijing Sea, the East China Sea, the Sea of Japan, the Sea of Okhotsk, the South China Sea, the seas of the Indonesian Archipelago, the Sulawesi Sea, and the Yellow Sea. Examples in the Indian Ocean include the Arabian Sea, the Bay of Bengal, the Persian Gulf, and the Red Sea.

For the purpose of this study, it is important to distinguish between the geographical and legal definitions of these features.<sup>3</sup> According to Article 122 of the 1982 United Nations Convention on the Law of the Sea (the 1982 Convention):

*For the purposes of, this Convention, “enclosed or semi-enclosed sea” means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean*

<sup>1</sup> Local names applied to these features include Bight (Australia); Channel (England); Firth (Scotland); Fjord (Norway); Ria/Rio (Iberia and South America); Sound (USA); and Wan (China).

<sup>2</sup> Other enclosed, semi-enclosed, coastal and marginal seas include the Gulf of Oman, Ise Bay (Japan), the Kara Sea, the Laptev Sea, Puget Sound, San Francisco Bay, The Sea of Okhotsk, The Seas of the Indonesian Archipelago, and Tokyo Bay.

<sup>3</sup> A similar type of observation is applicable in the case of Archipelagic States, a concept whose operationalisation within the 1982 Convention is prescribed by reference to, *inter alia*, the maximum length of baselines that may be drawn to join the outermost points of the outermost islands and drying reefs of the archipelago and the corresponding water: land ratio. Part IV of the Convention (Articles 46-54) refers.

*by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.”*

Excluded, by definition, therefore, are those features among those mentioned above which fall within a single politico-legal jurisdiction. Then, there are others such as the Caspian Sea, in respect of which there persists a dispute as to whether it is a sea, or a lake.

In this study, attention will be directed to the problems and issues that emerge in the management of enclosed or semi-enclosed seas, as defined in the 1982 Convention, with particular reference to the Mediterranean Sea and the Black Sea. The management regime of the Caspian Sea will also be explored, notwithstanding the absence of consensus with respect to its geo-legal status, the overriding objective being to identify within the regime that has been developed for its management, approaches that might be of relevance to the management of other closely related geographical features and to the general problematique of enclosed or semi-enclosed seas, with particular reference to the Caribbean Sea.<sup>4</sup> Reference will also be made to enclosed or semi-enclosed seas of other regions, as appropriate.

In the development of the study, attention will be focused on the management issues arising from the geographical, political and legal dimensions of the Caribbean seascape, with a view to the extrapolation of lessons and practices from other enclosed and semi-enclosed seas which, suitably adjusted, might be applied to the management of the Caribbean Sea. The peculiar characteristics of each will not therefore be overlooked.

## **1.2 Issues in the management of enclosed or semi-enclosed seas: The Caribbean Sea as a background case study**

### ***1.2.1 The Caribbean seascape and its major implications for management<sup>5</sup>***

#### **1.2.1.1 The legal status**

On the basis of the definition articulated in the 1982 Convention and taking into account the fact that 75% of its circumference is separated from the open ocean by either continental or insular land masses, the Caribbean Sea provides an excellent example of a semi-enclosed sea. Part IX (Articles 122 and 123) of the 1982 Convention is therefore applicable to the Caribbean Sea and, as will be demonstrated in a later section of this study, these provisions have already

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<sup>4</sup> The critical issue turns on the legal status of this body of water, whether as a sea, in which case the 1982 Convention would be applicable in relation to the management of its resources; preservation of the environment; and the delimitation of boundaries, among other aspects. There is no consensus on this matter among the littoral States. The Caspian Sea, though an inland body, nevertheless has many marine characteristics, in addition to a connection with the Black Sea through the Volga-Don network (Shaw et al 1998). Attention is recalled to Article 122 of the 1982 Convention.

<sup>5</sup> In this study, “Caribbean” is to be equated with “The Wider Caribbean” which refers to the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30 degrees north latitude and within 200 nautical miles of the Atlantic coasts of the contracting parties to the Cartagena Convention. The wider Caribbean region in effect encompasses all the mainland States, islands and territories whose shores are washed by the waters of the Caribbean Sea or the Gulf of Mexico.

been adduced to underpin the legal feasibility of the development and implementation of regional or subregional initiatives towards the management of this area of hydrospace.

### 1.2.1.2 The geo-political profile of the Caribbean Sea

The Caribbean Sea is a large suboceanic basin with an area of approximately 2.64 million square kilometres (1.02 million square miles), lying between 9° to 22° north latitude and 89° to 60° west longitude.

To the south, the Caribbean Sea is bounded by the coasts of Venezuela, Colombia and Panama, while, to the west, along the continental mass, lie Costa Rica, Nicaragua, Honduras, Guatemala, Belize and the Yucatan Peninsula of Mexico. To the north, the Caribbean Sea is bounded by the islands of the Greater Antilles, namely, Cuba, Hispaniola, comprising Haiti and the Dominican Republic, Jamaica, and Puerto Rico. On the eastern periphery of the Caribbean Sea, lie the countries of the Lesser Antilles, a crescent of islands extending from the Virgin Islands, in the north-east, to Trinidad and Tobago, off the Venezuelan coast, in the south-east. Islands in this chain include, moving in a generally southerly direction, Anguilla, St. Martin, Barbuda, St. Kitts and Nevis, Antigua and Barbuda, Guadeloupe, Montserrat, Dominica, Martinique, Saint Lucia, St. Vincent and the Grenadines, Barbados,<sup>6</sup> Grenada and, finally, the twin-island, unitary State of Trinidad and Tobago which fits snugly into the South American coastline. These political units, in many cases, constitute geographical and, also, depending on their water-land ratios, legal archipelagos, within the meaning of the 1982 Convention and are separated by straits that are used for international navigation. A map of the Caribbean Sea and Adjacent Regions appears at Figure 1.

Within the borders of the Caribbean Sea itself, are a number of islands of which Jamaica, with an area of 4,243 square miles, is the largest.<sup>7</sup> Other such islands include Little Cayman and Grand Cayman, lying to the south of Cuba, as well as the islands of the Netherlands Antilles, Bonaire and Curacao; and Aruba, which lie approximately 15-60 miles off the coast of Venezuela. Also of considerable geo-political significance, and with implications for the delimitation of maritime boundaries is Aves Island/Bird Island, over which Venezuela exercises sovereignty, but which is situated less than 100 miles from Dominica and also from the French Department of Guadeloupe. (Velasquez, 1978)

Together with the Gulf of Mexico, the Caribbean Sea is often referred to as the American Mediterranean (Hodgson, 1974). Providing the rationale for this sobriquet is the mere fact of its location between two continental masses. In fact, however, the Caribbean Sea is, in many

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<sup>6</sup> Strictly speaking, Barbados does not form a part of the Lesser Antilles but is conventionally grouped with this geo-political archipelago.

<sup>7</sup> Jamaica, situated roughly at 18° north latitude and 77° west longitude, is the third largest Caribbean island.

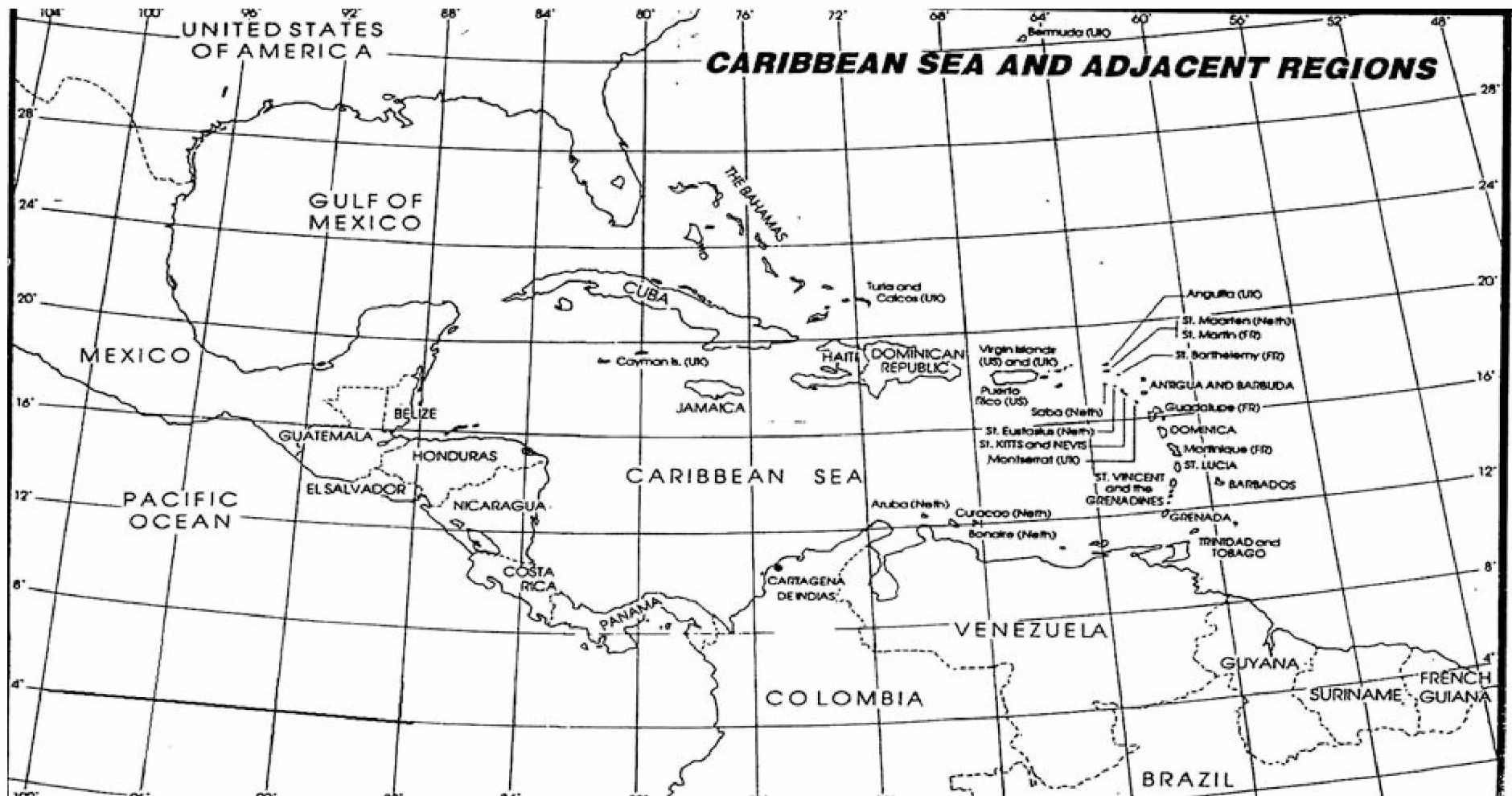
important respects, quite unlike the Mediterranean.<sup>8</sup> This is amply demonstrated by reference to the respective hydrographic and climatic profiles of these oceanic basins.

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<sup>8</sup> Incidentally, some 99% of the Mediterranean's circumference is separated from the open sea.



Figure 1: Map of the Caribbean Sea and Adjacent Regions



Source: UNEP

The Caribbean Sea is itself divided into five submarine basins, namely, the Yucatan, Cayman, Colombian, Venezuelan and Grenadian Basins, which are separated by submerged ridges and rises.

Mention has been made of the straits used for international navigation and these, necessarily, abound in the insular environment of the Caribbean, especially on its eastern and northern boundaries. A listing of some of these straits, indicating their basic dimensions and the countries under whose jurisdiction they fall, is set out in Table 2.

**Table 2: Strategic international straits in the Caribbean**

<b>Passage</b>	<b>Least Width (Nautical Miles)</b>	<b>Sovereignty (on either side)</b>
Florida	82	U.S.A, Cuba
Yucatan Channel	105	Cuba, Mexico
Windward Passage	45	Cuba, Haiti
Mona Passage	33	U.S.A/Puerto Rico, Dominican Republic
Anegada Passage	48	U.K., Anegada (U.K.) and Sombbrero (U.K.)
St Vincent Passage	23	St Lucia, St Vincent and the Grenadines
Dominica Channel	16	Guadeloupe (France), Dominica
Martinique Channel	22	Dominica, Martinique (France)
St Lucia Channel	17	Martinique (France), St Lucia
Virgin Islands Passage	8	U.S.A/Puerto Rico, U.S. Virgin Islands
Guadeloupe Passage	28	Guadeloupe (France), Montserrat (U.K.)

Source: Alexander, L.M., Indices of National Interest in the Oceans, in Ocean Development and International Law, Vol. No. 1, Spring 1973, pp.21-49.

The countries of the Caribbean have economies that are very open. This factor, in addition to their geographical location between the continents of North and South America, has contributed to the growth of many large ports in the region. The massive trans-shipment ports in Kingston, Jamaica, and in San Juan, Puerto Rico, are but two of the major ports of call within the Caribbean. Others include Barranquilla, Charlotte Amalie, Cienfuegos, Cristobal, La Guaira, Port of Spain, Santiago de Cuba, and Willemstad.

From Figure 1, it can be seen that, in addition to straits connecting the Caribbean Sea with the Atlantic Ocean, there is the Yucatan Channel, which, lying between Cuba and Mexico, connects the Caribbean Sea to another semi-enclosed sea, namely, the Gulf of Mexico.<sup>9</sup> Yet another detailed feature, which is nevertheless important for the discussion that will develop later in this study, is the existence of straits within the semi-enclosed Caribbean Sea. Reference is here being made to the Dragon's Mouth (12 miles wide) and the Serpent's Mouth (9 miles wide), which lie between the island of Trinidad and Venezuela at the northern and southern entrances, respectively, of the Gulf of Paria.

<sup>9</sup> The Caribbean Sea and the Gulf of Mexico may be approached as a single marine feature. However, the former is essentially an area of continental shelf, flat floored and shallow, while the latter is evidently a part of the ocean. Nevertheless, the nature of the surface water circulation in the area connects the two bodies of water into a natural ecosystem. The conclusion reached is to the effect that, while these two features are complementary, they may nevertheless be approached as individual entities. (Ginsberg, 1974).

For the purpose of this study, the following might be enumerated among the more important aspects of the Caribbean seascape that have implications for the effective management of the Caribbean Sea:

1. The existence of over three dozen littoral States located in, or bordering an enclosed sea of just over one million square miles, which implies, in the context of the modern law of the sea, which sanctions an Exclusive Economic Zone (EEZ) of up to 200 nautical miles, that there will be but the tiniest sliver of high seas. Further, the partitioning of the Caribbean Sea on that basis, will permit few States to enjoy the maximum permitted EEZs, since such zones, where they do exist, will often overlap;
2. The existence of legal conflicts arising, either from border controversies, or from incomplete maritime boundary demarcation (among them, Guyana-Venezuela, Belize-Guatemala, Trinidad and Tobago-Venezuela, and Venezuela-Organisation of Eastern Caribbean States (OECS) countries, (in the context of Aves Island/Bird Island) which could present certain obstacles to cooperation, while also having the effect of maintaining uncertainty over the precise location of maritime boundaries, with important implications for ocean management;
3. The fact that the United States, which has a strong Caribbean presence, as well as Venezuela, have not ratified the 1982 Convention;
4. The complexities of fisheries and general resource management, among other aspects, arising from (1), (2) and (3) above;
5. The fact that the many littoral Caribbean States constitute a political, cultural, linguistic and constitutional mosaic, the component elements of which, for the most part, still manifest low levels of interaction<sup>10</sup>. Reference is being made to the anglophone, including the United States, sector, in addition to its Dutch, francophone and hispanic counterparts. In addition, there are entities which enjoy different political status. There are, for example, colonies/overseas territories (e.g. British Virgin Islands and Montserrat); an associated State (Puerto Rico); overseas departments of France (Guadeloupe, Martinique); and the Netherlands Antilles and Aruba (Dutch);
6. Closely linked to (5) above, but worthy of separate mention, is the presence of metropolitan powers in the subregion (Britain, France, the Netherlands and the United States), in addition to the Venezuelan presence, in relation to Aves Island/Bird Island, quite apart from its very strong geographical foothold implied by its over 2,800 kilometres of maritime coast fronting the Caribbean Sea;
7. The existence of such submarine features as troughs or trenches which may also impinge on the process of delimitation of maritime boundaries;
8. The existence of several strategic straits that are used for international navigation and their implications for sealanes and other sea uses;
9. Related to (8) above, the security implications of: (a) the several strategic straits used for international navigation; (b) the existence of archipelagic States, with their vast archipelagic waters; and (c) the large maritime areas falling under

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<sup>10</sup> The establishment of the Association of Caribbean States (ACS), in 1994, as an organization for “consultation, cooperation and concerted action” has increased the historically low levels of interaction across the Caribbean. Nevertheless, the observation just made remains valid at this point in time.

national jurisdiction, in accordance with Part V (Exclusive Economic Zone) of the 1982 Convention<sup>11</sup>;

10. The very close inter-relationship between port development, maritime traffic and marine pollution;
11. The objective need for cooperation, whether at the bilateral, subregional or regional level, in areas such as pollution management and the conservation of shared living resources;
12. The existence of shared geographical features, such as the Gulf of Paria which lies between the island of Trinidad and Venezuela;
13. The inescapable realisation that, given the presence of metropolitan countries, as well as the presence of Caribbean countries on the South American mainland and other entities, the waters of the subregion are not capable of effective management along such lines as the Commonwealth Caribbean, or other subregional approaches, as from time to time, have been proposed, particularly as the relevant portions of ocean space are not in the nature of contiguous expanses. For example, Dominica, a member of the Caribbean Community (CARICOM), will have its own maritime space, but in a situation in which the authorities of that country will have had to negotiate and otherwise cooperate with their French and Venezuelan counterparts which have now become their neighbours, as a result of the application of Part V of the 1982 Convention;
14. The geographical disadvantage suffered by a number of Caribbean States as a result of their small size and their, necessarily, short coastlines;
15. The relatively meagre resource endowment of the Caribbean Sea, both in terms of living, as well as non-living resources.

#### 1.2.1.3 Common problems of enclosed or semi-enclosed seas

The types of issues identified in the context of the Caribbean seascape are also encountered in the enclosed or semi-enclosed seas of other geographical regions. For example:

1. In the South China Sea, with important implications for cooperation towards effective management, the existence of several conflicting territorial and jurisdictional claims has created considerable uncertainty as to the status of portions of that maritime area, including whether any area of high seas exists. Further, a number of littoral States, including Thailand, have not ratified the 1982 Convention. Nor is Taiwan recognised as a State.<sup>12</sup>
2. Territorial disputes have also arisen in the Baltic involving, inter alia, the seabed, with its considerable petroleum resources<sup>13</sup>, while the North Sea Continental Shelf

<sup>11</sup> In the case of Trinidad and Tobago, for example, the marine areas over which the State is sovereign or exercises sovereign rights, comprise an area of some 75,000 square kilometres: approximately 15 times its land area. (EMA 1996).

<sup>12</sup> Significantly, notwithstanding this state of affairs, informal approaches have borne fruit e.g. the promotion of dialogue; confidence-building; and the development and implementation of some cooperation initiatives. Further, such initiatives are envisaged. In that context, a code of conduct for the South China Sea has been signed by the members of the Association of South East Asian Nations (ASEAN) and China.

<sup>13</sup> Interestingly, the formulation of the definition enshrined in Article 122 of the 1982 Convention was influenced by the Baltic States. The Baltic States are Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland,

cases are now firmly entrenched in the annals of international law.<sup>14</sup> In the Sulawesi Sea (surrounded by Indonesia, Malaysia, and the Philippines), which is fully accounted for by the EEZs of the littoral States, the level of cooperation towards the management of the resources and the environment and other aspects, has historically been very low. This situation also obtains in other semi-enclosed seas in the Asia-Pacific region, including those in which certain areas of high seas remain, such as the Beijing Sea and the Okhotsk Sea. In accordance with Articles 63 and 64 of the 1982 Convention, high-seas fisheries would need to be managed by the littoral States, together with any other States which exploit the resource (CSCAP, 2000);

3. In East Asia and the Western Pacific, security concerns also arise from the existence of several straits used for international navigation, vast archipelagic States, and large EEZs. Also in this geographical region, there are significantly different orientations towards the 1982 Convention. Some littoral States have either made declarations and statements upon signing, ratifying or acceding to this instrument, or they have introduced domestic legislation that reflects different positions on the implementation of a number of important issues, such as the drawing of straight baselines to determine the inner limits of the territorial sea; historic bays; navigational regimes; “normal mode” of transit; the management of archipelagic waters; rights and duties within the EEZ, including restrictions or denial of freedom of navigation; EEZ and continental shelf boundaries; and enclosed or semi-enclosed seas. This represents a potential source of tension or even conflict. (CSCAP, 2000);
4. In East Asia, where enclosed or semi-enclosed seas abound, Part IX of the 1982 Convention is seen to have considerable potential for moulding cooperative efforts towards the management of regional seas and their resources (CSCAP, 2000). This parallels the recourse by Caribbean States to these very provisions to underpin the legal feasibility of their cooperation endeavours in the context of marine regionalism. Indeed, more generally, marine regionalism, or the regionalisation of the oceans, is recognised to require a regime that transcends political boundaries in all enclosed or semi-enclosed seas, while taking ecological features and processes into account; (Tsamenyi et al, 2002)
5. The concern with respect to marine pollution, including from land-based sources, is ubiquitous.

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Russia, and Sweden. The Baltic is connected to the world's oceans only by the narrow and shallow waters of the Sound and the Belts area. Reminiscent of the Caribbean, it consists of several basins separated by shallow sills. (Helsinki Commission, 2003).

<sup>14</sup> The North Sea, a semi-enclosed sea, oval in shape, lies between continental Europe and Britain in an east-west direction. On its eastern shores, starting from the north, are Norway, Denmark, Germany, the Netherlands, Belgium and France, while the entire western side is occupied by Britain and the island groups of Orkneys and Shetlands. By 1970, the greater part of the continental shelf of the North Sea had been delimited by virtue of a series of agreements concluded between the United Kingdom and States on the eastern periphery such as Norway, Denmark and the Netherlands.

## **SECTION 2 SELECTED REGIONAL APPROACHES TO THE MANAGEMENT OF ENCLOSED OR SEMI-ENCLOSED SEAS**

Referring once more to the Caribbean Sea, it is useful to recall that the enjoyment by coastal States under Part V (EEZ) of the 1982 Convention, of sovereign rights for the exploration and exploitation of the resources of an EEZ, has placed enormous tracts of ocean space at the disposal of coastal States. According to Article 57 of the 1982 Convention, the EEZ "shall not extend beyond 200 nautical miles from the base lines from which the breadth of the territorial sea is measured." This provision, as earlier indicated, places under the jurisdiction of several Caribbean States, especially the small island developing States (SIDS) of the subregion, areas of maritime space that are several times larger than their respective land spaces.<sup>15</sup> Significantly, many such States lack the financial, manpower, institutional, technological and other prerequisites that would permit them to derive optimum benefit from this internationally sanctioned regime. (Payoyo, 1994)

The challenges confronting these States are in respect of:

1. The development of national ocean policies, including coastal zone management, accompanied by the necessary legislation, regulations, and practices, such as would provide a framework for a comprehensive management regime;
2. The development or strengthening, as appropriate, of institutional, administrative, scientific and technological capacity to effectively manage and utilise the resources of the EEZ on a sustainable basis;
3. The development of a comprehensive inventory of the resources of the EEZ: living, as well as non-living; and
4. The establishment of additional marine protected areas.

Recognition of the implications of these challenges and also of the fact that the ecosystems of the subregion are shared among the countries located in, or bordering the Caribbean Sea, has prompted the search for a framework for cooperation towards effective management of the Caribbean Sea area towards its sustainable development in the context of marine regionalism. Underpinning this search are the provisions of Part IX of the 1982 Convention. This search is mirrored in the several other regional or subregional initiatives of States that are either located in, or border other enclosed or semi-enclosed seas.

As earlier foreshadowed, the attempts to come to terms with the major issues that impinge on the management of marine areas in enclosed or semi-enclosed seas, reflecting different approaches to marine regionalism, will be illustrated in the following sections by reference to the experience of the littoral States of the Mediterranean Sea, the Caspian Sea, and the Black Sea. Providing the context for the review of these regional initiatives, is the Regional Seas Programme of the United Nations Environment Programme (UNEP).

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<sup>15</sup> For example, in the case of Trinidad and Tobago, an archipelagic State in accordance with Part IV of the 1982 Convention, the marine areas over which the State is sovereign, or enjoys sovereign rights, amount to some 75,000 square kilometres or approximately 15 times the land area. (EMA, 1996)

## 2.1 The Regional Seas Programme of UNEP

The Regional Seas Programme of UNEP was established in 1974, with a view to the formulation of a comprehensive and consistent approach to environmental problems in the management of marine and coastal areas worldwide. (Tsamenyi et al, 2002). Within that Programme, the world's ocean regions were divided into 17 regional seas, each with its own convention and action plan. This approach finds expression in such instruments as the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the Cartagena Convention), the Caribbean Environment Programme (CEP), and the Action Plan for the Protection and Sustainable Development of the Marine Environment and Coastal Areas of the East Asian Region.<sup>16</sup>

Each Regional Seas Action Plan has three major objectives, namely:

1. Promotion of integrated management and sustainable development of coastal areas and associated river basins; and their aquatic resources;
2. Promotion of implementation of appropriate technical, institutional, administrative and legal measures utilized to improve the protection of the coastal and marine environment; and
3. Facilitation of the assessment of the coastal and marine environment, including conditions and trends.

## 2.2 The Mediterranean

The Mediterranean Sea constitutes the world's largest enclosed basin and is shared by 21 nations.<sup>17</sup> In the context of the international ferment with respect to global environment issues as was reflected in the convening of the 1972 Stockholm Conference on the Human Environment, leading to the establishment of UNEP, the coastal States of the Mediterranean, recognising the severely degraded state of their region's environment, called on the newly-created institution to develop a regional programme to identify the sources of pollution and to recommend corrective measures.<sup>18</sup> In fact, at the Stockholm Conference, the Mediterranean was classified among the "particularly threatened bodies of water".

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<sup>16</sup> In summary terms, the CEP was adopted in 1981 as one of UNEP's regional seas programmes and as a framework for regional cooperation in marine environmental matters. The Action Plan for the East Asian region was also established in 1981 to establish a regional scientific programme involving research on the prevention and control of marine pollution. Other action plans are the Mediterranean Action Plan (1975), the Red Sea and Gulf Action Plan (1976, revised 1982), the Kuwait Action Plan (1978), the West and Central African Action Plan (1981), the South-East Pacific Action Plan (1981), the South Pacific Action Plan (1982), the Eastern African Action Plan (1985), the Black Sea Action Plan (1993), the North-West Pacific Action Plan (1994), the South Asian Seas Action Plan (1995), the North-East Pacific Action Plan (2001), and the Upper South-West Atlantic Action Plan.

<sup>17</sup> The Mediterranean coastal States are Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia, and Turkey. The European Commission also participates in the Mediterranean Action Plan.

<sup>18</sup> Industrial and domestic waste, especially from the highly industrialized countries along the north-western coast of the basin, is discharged into the Mediterranean. It is estimated that some 30-45 million tons of municipal solid waste is generated in Mediterranean coastal areas each year and that plastic debris accounts for 75% of the coastal litter which ends up in the sea. Other issues include overcrowding of the coastal areas; soil erosion; and the existence of fragile ecosystems. Currently, tourist arrivals in the Mediterranean region amount to some 200 million annually.

### ***2.2.1 The Mediterranean Regional Management Framework***

Pursuant to their concern, the Mediterranean States, with the exception of Albania, Algeria, Spain and the then European Community, convened in Barcelona, Spain, under the auspices of UNEP, in 1975 and adopted the Mediterranean Action Plan (MAP) for the Protection and Development of the Mediterranean Sea. The MAP represents the prototype of the Regional Seas Action Plan of UNEP and followed the structure of the framework adopted at Stockholm which comprised three essential elements, namely, environmental assessment, environmental management, and supporting measures. More specifically, the MAP called for:

- Integrated planning of development and management of resources of the Mediterranean basin;
- A coordinated programme of research, monitoring and exchange of information; and
- Development of a Framework Convention to be supported by related Protocols.

Shortly after the adoption of the MAP, the Coordinated Mediterranean Pollution Monitoring and Research Programme (MEDPOL) was launched to provide for the assessment of the sources, levels and impacts of pollutants in the Mediterranean basin. MEDPOL was supported by a network of national institutions and an agreed common methodology. The initial assessments confirmed that some 80% of marine pollution originated on land.

One year following the adoption of the MAP, the envisaged legal framework Convention, the Convention for the Protection of the Mediterranean Sea Against Pollution (the Barcelona Convention) and the first of six Protocols, were adopted in Barcelona, to support the MAP. The Convention entered into force on 12 February 1978. Significantly and prompting recall of a related development in the Caribbean context, the Convention recognised that existing international conventions did not adequately address all aspects and sources of marine pollution. Nor were these instruments deemed to have met the special requirements of the Mediterranean. The Convention addresses pollution caused by dumping from ships and aircraft, pollution from ships, pollution resulting from exploration of the continental shelf, seabed and its subsoil, and land-based sources of pollution.

The six Protocols to the Barcelona Convention deal, respectively, with:

- Prevention of pollution by dumping from ships and aircraft, 1976;
- Cooperation in combatting pollution by oil and other harmful substances in cases of emergency, 1976;
- Protection against pollution from land-based sources, 1980;
- Mediterranean specially protected areas, 1982;
- Prevention of pollution by transboundary movements of hazardous waste and their disposal; and
- Protection against pollution resulting from exploration and exploitation.

In 1995, the Mediterranean coastal States and the European Union initiated the incorporation of the Rio Principles embodied in the Rio Declaration on Environment and



Development adopted at the 1992 United Nations Conference on Environment and Development (UNCED), into the environmental management framework for the region. The Conference also adopted the Barcelona Resolution on Environment and Sustainable Development, together with a document embodying priority fields of activities for the period, 1995-2005. These developments resulted in major changes in the legal and institutional framework, among them:

- The change in nomenclature of the Barcelona Convention to the “Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean”;
- Incorporation of the precautionary principle and the widening of the scope of the convention to include coastal areas;
- The restructuring and adaptation of the MAP, also in 1995, to give support to the revised Convention. The new MAP Phase 11 broadened the scope of the instrument to embrace the integrated management approach to coastal areas and to give more focused attention to economic activities;
- The adoption of Agenda MED 21 as the Mediterranean counterpart to the global Agenda 21, to provide a framework for attention to social and economic aspects, conservation and management of resources towards sustainable development, increasing the involvement of major groups, and increasing the means for implementation; and
- The establishment of the Mediterranean Commission on Sustainable Development (MCSD) within the framework of the MAP Phase 11, as a think-tank on sustainable development policies.

Overall, the framework for the implementation of the MAP is as complex as it is fragmented. Reflecting its origins as the first regional seas programme of UNEP, the links between the two entities remain extremely close. Indeed, in Article 17 of the Barcelona Convention, UNEP is entrusted with the secretariat functions to support the MAP. Thus, overall responsibility for the implementation of the MAP rests with the Executive Director of UNEP. Day-to-day coordination of the implementation of the Convention is performed by the Mediterranean Coordinating Unit (MCU), more popularly referred to as the Barcelona Secretariat, which is located in Athens, Greece. The detailed work is performed by six specialized Regional Activity Centres (RACs) located in different countries. In addition, there is a network of national focal points which monitor and report on implementation of the MAP, as well as prepare recommendations, together with the programme and budget, for the consideration of the meetings of the Contracting Parties.

As regards the financial aspect, activities of the MAP are funded by the Mediterranean Trust Fund (MTF) to which all Contracting Parties contribute, in accordance with a scale which takes into account, the scale of assessment used by the United Nations. The seed-funding that facilitated the establishment of the MTF was provided by UNEP which still contributes to it, even though the MTF has been financially self-sufficient since 1984. Contributions are also received from the European Union (EU), while specific projects are supported by other funding agencies, such as the World Bank and the European Investment Bank (EIB).

### ***2.2.2 Evaluation of the Mediterranean Management Regime***

In terms of an overall evaluation of the Mediterranean management regime, its major achievements include:

- The adoption of the MAP as a mechanism for addressing the environmental and sustainable development problems of the region in a coordinated manner;
- The strengthening of the legal framework and the provision of certainty with respect to process, by virtue of the adoption of the Barcelona Convention and its Protocols;
- The promotion of thorough research and assessment of issues and the application of science-based policies, through the establishment of RACs;
- The expansion of work programmes to embrace more comprehensive sustainable development approaches vis à vis the former sectoral approaches; and
- The establishment of a Regional Trust Fund to facilitate the implementation process.

As regards the challenges facing the MAP, these include:

- The lack of technical and scientific skills and expertise in some regional coastal States;
- Tardiness, in some cases, in taking the follow-up action required by regional agreements, including the provision of data and the adoption of national legislation in conformity with the convention and its protocols;
- An apparent reluctance, in some cases, to facilitate public participation;
- Tardiness in paying contributions to the Trust Fund;
- Lack of specific data to facilitate evaluation of policy interventions;
- Limited cooperation with the economic sector at the regional level, for example, with the agricultural sector, to facilitate the development of regional initiatives towards the prevention and control of land-based sources of pollution; and
- Difficulty in securing funding for projects not financed by regional funding mechanisms and the Global Environment Facility (GEF).

Figure 2: Map of the Mediterranean Sea, the Black Sea and the Caspian Sea



## 2.3 The Black Sea

The Black Sea is almost completely landlocked, except for the narrow 700 metre wide Bosphorous Channel which constitutes its only connection to the world's oceans, specifically, the Mediterranean Sea. The Black Sea drainage basin falls within 17 countries, including some 13 capital cities with a total population of over 160 million. It is also estimated to account for approximately one third of the entire land area of continental Europe. The Black Sea constitutes the largest natural anoxic basin in the world, with permanent anoxia estimated to exist within 87% of its volume. The environmental degradation of the Black Sea is the result of a combination of natural and anthropogenic factors. The Black Sea provides valuable ecological, economic and social benefits, especially to its six coastal States, namely, Bulgaria, Georgia, Romania, Russia, Turkey and the Ukraine. These benefits span tourism, fishing, mineral extraction, transport and the disposal of liquid and solid waste. The Black Sea ecosystem is threatened by a range of pollutants, particularly nutrients, which, for the most part, are transported by its related river system. The introduction of partially treated sewage introduces microbiological contaminants which pose a threat to public health and also inhibit the further development of tourism, aquaculture and other environmentally sensitive pursuits. The Black Sea ecosystem is also threatened by oil and invasive exotic species. Fundamentally, the challenge in the region is to establish mechanisms to reverse the environmental degradation and enhance the quality of the Black Sea.

### *2.3.1 The Black Sea Regional Management Framework*

By early 1994, the Framework Convention for the management of the Black Sea, the Convention for the Protection of the Black Sea Against Pollution, (the Bucharest Convention) which was developed in April 1992, had been ratified by the six coastal States concerned. The Convention broadly prescribes action in relation to different sources and types of pollution, cooperation in combatting pollution emergencies, protection of the living marine resources, and scientific and technical cooperation and monitoring. The Convention, whose geographic scope includes the territorial seas and EEZs of the Contracting Parties, is supplemented by three protocols that address control of land-based sources of pollution, dumping of waste, and joint action in case of accidents, such as oil spills. It provides for the establishment of a Black Sea Commission entrusted with promoting its implementation and also for the establishment of a Permanent Secretariat to support the Commission.

Pursuant to the provisions of the Bucharest Convention, a Black Sea Commission was established in 1993, as an intergovernmental regional mechanism for cooperation among the parties. The chairmanship of the Commission rotates annually and a number of subsidiary bodies, including a secretariat and several advisory groups for the provision of technical advice to the Commission, a major innovation, have been established. The secretariat of the Black Sea Commission is located in Istanbul, Turkey. These advisory groups comprise experts from national focal points and their competence spans environmental law, environmental economics, and public awareness. These advisory groups receive technical support from the secretariat which also coordinates their activities. The scope of action of the advisory groups, so far established, include environmental safety aspects of shipping; pollution monitoring and assessment; control of pollution from land-based sources; development of common

methodologies for integrated coastal zone management; conservation of biological diversity; fisheries and other marine living resources; and information and data exchange. On 7 April 1993, the Ministers of the Environment of the Black Sea adopted the Odessa Declaration on the Protection of the Black Sea Environment, thereby providing the required political impetus. That Declaration recognised the urgent need for comprehensive, continued and coordinated action at national, regional and international levels, to ensure “the protection, preservation and rehabilitation of the marine environment and the sustainable development of the Black Sea.”

### ***2.3.2 The Black Sea Environmental Programme***

The Black Sea Environmental Programme (BSEP) was established in 1993, the year following UNCED, with three main objectives: to enhance the capacity of the Black Sea countries to assess and manage the environment; to support the development and implementation of environmental strategies; and to facilitate the preparation of sound environmental investments. Funding for the implementation of the BSEP was provided by, the international donor community, including, Austria, Canada, the EU, Japan, the Netherlands, and Norway, as well as by the GEF. The issues covered by the BSEP, whose Programme Coordinating Unit (PCU) is also located in Istanbul, include emergency response, routine pollution, monitoring, protection of biodiversity, coastal zone management, environmental legislation and economics, data management and fisheries. A “State of the Black Sea Report” is to be prepared every five years.

In 1996, the Black Sea Strategic Action Plan (SAP) was adopted to promote the sustainable development of the Black Sea region. The major sections of the SAP covered, respectively, The Challenge: the State of the Black Sea Environment; The Basis for Cooperative Action; Policy Actions; National Black Sea Action Plans; Financing the Strategic Action Plan; and Arrangements for Future Cooperation. At a meeting which convened in Sofia, Bulgaria, on 22-26 June 2002, a ministerial resolution on the Amendment of the Strategic Action Plan on the Rehabilitation and Protection of the Black Sea was adopted.<sup>19</sup>

### ***2.3.3 Evaluation of the Black Sea Management Regime***

In evaluating the achievements of the BSEP, attention might be drawn to:

- The development of a clear legal framework with strong political support;
- Development of national reporting mechanisms in the context of an appropriate network of institutions that promote cooperation among all actors and agencies, including non-governmental organizations (NGOs), at the national, regional and international levels;
- Regional assessments to ensure a scientific basis for policy interventions;
- Transboundary diagnostic analysis to facilitate the identification of critical issues;

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<sup>19</sup> The amendments relate, in the main, to the adjustment of time-frames for the execution of a number of activities e.g. the initial assessment of airborne pollution; and the compilation of high-priority sites (hot spots) of pollution discharges. In one instance, former item 5 of the duties of the Advisory Group on Control of Pollution from Land-based sources, is deleted. This referred to “the coordination, in close contact with WHO, of programmes to monitor the quality of bathing waters and beaches and to assess the human health implications of the information gathered.”

- The development and adoption of a Regional Strategic Action Plan for the rehabilitation and protection of the Black Sea towards the sustainable development of the Black Sea; and
- The development of a Black Sea Information System and Geographical Information Systems (GIS).

Among the challenges facing the BSEP, are funding, inadequate cost-sharing by the States concerned, an inadequate level of ownership of the regional process, lack of transparency, insufficient national environmental funds arising from poor revenue collection, with implications for national support of the regional mechanism, sovereignty considerations as an impediment to cooperation, and the integration of the private sector into the management of coastal and marine areas.

## **2.4 The Caspian Sea**

Following the review of two classic examples of semi-enclosed seas, as defined by the 1982 Convention, attention will now be focused on what might be termed a geographico-legal curiosity, namely, the Caspian Sea. Of relevance to this study, is less the precise legal status of this entity, than the type of regional management regime that has been developed, given the broad similarity of its problematique with that of the classic enclosed or semi-enclosed seas as reviewed above. For example, the Caspian is a source of petroleum and natural gas, fish, including some 80% of the world's sturgeon, and water. Moreover, there is concern that environmental issues, in addition to jurisdictional issues related to the division of the sea and the corresponding rights over resources, could constitute major sources of conflict among the littoral States, namely, Azerbaijan; Iran; Kazakstan; Russia; and Turkmenistan. Already located in a continental depression some 27 metres below sea level, the Caspian region has, among its major environmental concerns, that of sea level rise which is attributed to changes in river drainage and water use, increased rainfall, reduced evaporation, and even tectonic shifts (Shaw et al, 1998).<sup>20</sup> The impacts of this location include the inundation of coastal regions, salt water intrusion, and loss of property and resources, including fisheries. The status of the Caspian as the site of perhaps the third largest deposits of oil and natural gas in the world also portends serious environmental implications, as a result of activities related to the exploration, exploitation and transport of the respective products, whether by tankers or pipelines.

### ***2.4.1 The Caspian Regional Management Regime***

The Caspian Environment Programme was adopted in 1998 as a framework embodying a long-term vision of 15-20 years, for the coordination of regional management and sustainable development initiatives. This Environment Programme is supported by a SAP and National Action Plans (NAPs). The major elements of the Caspian Environment Programme span capacity-building, coastal zone management, including sea-level rise, protection of bio-diversity, development of a regional convention, and public participation and awareness. A framework Convention for the Protection of the Marine Environment of the Caspian Sea was prepared, with assistance from UNEP and adopted by the littoral States, on 3 November 2003. The Convention

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<sup>20</sup> It is estimated that the sea could rise by some 3 metres over the next 25 years. In the last 10 years, it has risen 1 metre. (Shaw et al, 1998)

addresses such elements as pollution prevention, reduction and control; prevention of introduction, control and combating of invasive alien species; environmental emergencies; and protection, preservation and restoration of the marine environment.

To facilitate the implementation of the Caspian Environment Programme, the establishment of a number of new institutions is envisaged. However, at the Conference of Plenipotentiaries for the Adoption and Signature of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, the major specific institutional arrangements adopted, related to a Conference of Parties, comprising one representative from each Contracting Party, which would “decide on establishing such other institutions of the Convention as may be deemed necessary”; and “The Secretariat of the Convention”. Provision is also made for the adoption of protocols to supplement the framework convention. Prior to the adoption of the framework convention, the institutional arrangements envisaged embraced a Regional Steering Committee, a PCU, national focal points, and Caspian regional expert centres. Altogether, there were 10 regional thematic expert centres, addressing such topics as capacity-building, coastal zone management and protection of bio-diversity; five national focal points; and five public participation advisers to facilitate implementation of the Caspian Environment Programme. The major elements of the Programme are executed at the regional as well as national levels and are addressed by the regional expert centres, the PCU and national institutions. Monitoring and orientation are undertaken by a steering committee comprising representatives of the littoral States, international donors, including the EU, and other funding agencies, such as the GEF, The United Nations Development Programme (UNDP), UNEP, and the World Bank.

#### ***2.4.2 Evaluation of the management regime for the Caspian Sea***

The major achievements of the littoral States of the Caspian region include the development of a comprehensive regional environment programme towards the sustainable development and management of the Caspian Sea; the development of a regional SAP and NAPs; together with a network of institutions<sup>21</sup> to promote cooperation among governments, agencies and NGOs, at the national, regional and international levels. The most recent and, probably, in long-term perspective, the most important achievement might be cited as the adoption, in November 2003, of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.

Among the management challenges facing the Caspian States, are the expansion of the Caspian Environment Programme to embrace wider sustainable development issues and the incorporation of government ministries dealing with economic and social issues, as well as the private sector, into the process; and lack of adequate funds at the national and regional levels.

### **2.5 The Caribbean Environment Programme (CEP)**

The Action Plan for the Caribbean Environment Programme (CEP) was adopted in 1981 as one of the regional seas programmes of UNEP to provide a framework for regional cooperation in marine environmental matters in the wider Caribbean region.

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<sup>21</sup> These include Thematic Centres; National Focal Points, etc.

The principal objectives of the Caribbean Action Plan (CAP) are to assist governments of the subregion in minimizing environmental problems in the wider Caribbean through assessment of the state of the environment and development activities in environmental management. Furthermore, the Action Plan will establish a framework for activities requiring regional cooperation in order to strengthen the capacities of States and territories of the wider Caribbean region for implementing sound environmental practices and thus achieve sustainable development.

The CEP also works as facilitator, educator, and catalyst to coordinate activities and build capacity of all member governments in the region to manage their coastal environments and build sustainable coastal economies.<sup>22</sup>

Areas of activity pursued by the CEP include:

- Land-based sources of pollution;
- Improved fisheries management and protection of critical habitats;
- Increasing urbanisation and coastal development;
- Unsustainable agricultural and forestry practices;
- Promoting sustainable tourism;
- Preventing and preparing for oil spills;
- Strengthening government and institutional capacity.

The adoption of the Action Plan for the CEP in 1981 was followed by the adoption, in 1983, of the legal framework, the Cartagena Convention, mentioned above. Today the CEP comprises:

- The Cartagena Convention and its three Protocols dealing, respectively, with Cooperation in combating oil spills in the wider Caribbean region (the Oil Spills Protocol); Specially protected areas and wildlife in the wider Caribbean region (the SPAW Protocol); and Pollution from land-based sources and activities in the wider Caribbean (the LBS Protocol);
- Two governing structures: the Intergovernmental meeting; and the Meeting of the contracting parties to the Cartagena Convention;
- Four regional activity centres, located, respectively, in Cuba, Curacao, Guadeloupe and Trinidad and Tobago, to assist in the implementation of the Protocols to the Cartagena Convention;
- Four main programme areas: Assessment and Management of Environmental Pollution (AMEP); Specially Protected Areas and Wildlife (SPAW); Information Systems for the Management of Marine and Coastal Resources (CEPNET); and Education, Training and Awareness.

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<sup>22</sup> The 28 countries which created the CEP are Antigua and Barbuda; Bahamas; Barbados; Belize; Colombia; Costa Rica; Cuba; Dominica; Dominican Republic; France; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; the Netherlands; Nicaragua; Panama; St. Kitts and Nevis; Saint Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; United Kingdom; United States; and Venezuela.



- An informal network of collaborating governmental and non-governmental institutions.

Reference might also be made in this context, to the Global Programme of Action (GPA), also of UNEP, in the context of its recognition of the imperative of treating development issues related to the marine, as well as the terrestrial, environment in tandem. Essentially, the GPA aims at preventing the degradation of the marine environment from land-based activities by facilitating the duty of States to preserve and protect the marine environment.

At the eleventh Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and eighth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region which convened in Montego Bay, Jamaica, over the period, 28 September-2 October 2004, the meeting, in addition to approving the work plan and budget for the CEP for 2004-2005, also addressed a number of important institutional issues.

In this regard, reference might be made to the approval of an Outline of the Strategy to Enhance the CEP over the period 2005-2009. This strategy is being developed within the framework of all the UNEP Regional Seas Programmes. In this context, the secretariat will prepare an outreach plan to promote the CEP Strategy at the global, regional and national levels, to foster concerted action for the sustainable development of the wider Caribbean region. The Outline is to be submitted to the sixth Global Meeting of the Regional Seas Conventions and Action Plans which convenes in Istanbul, Turkey, over the period, 30 November-2 December 2004 and will thus contribute to the review of the Regional Seas Strategic Directions for 2004-2007.

Fundamentally, the Montego Bay Meeting addressed a number of outstanding issues:

1. The issue of the participation of non-self-governing territories and of States that are not parties to the Convention in the activities of the Action Plan and the Cartagena Convention in a manner that ensures conformity with the Convention and, more generally, with international law;
2. The need for the clarification of the relationship between the Action Plan and the Cartagena Convention, including the issue as to whether separate Rules of Procedure are needed for the Action Plan and the Convention and its Protocols. These issues are also relevant to the issue of the participation of non-self-governing territories and non-Party States.
3. Issues relating to the financial continuity and sustainability of the CEP as a result of the significant arrears of payments that are due to the Caribbean Trust Fund and also to the UNEP Environment Fund. The operations of the Caribbean Trust Fund were nevertheless extended to 31 December 2005;
4. Advancing the development of Draft Guidelines for the operations of the RACs and RANs of the CEP.

### SECTION 3: MARINE REGIONALISM: A REVIEW OF SELECTED APPROACHES

The regional management regimes examined above, though geared to address issues that are broadly similar, nevertheless manifest significant differences of approach. As indicated earlier, a major objective of this study is the extrapolation of those elements which, appropriately adjusted, might be incorporated into a Caribbean praxis. The review of the respective regimes was aimed at the identification of:

1. The participating countries/territories;
2. The key elements of the regime;
3. The achievements, including the degree of effectiveness of the regime;
4. The challenges that remain to be addressed;
5. Issues relating to the integration of the social, economic and environmental dimensions of sustainable development; and
6. Approaches to financing.

In general terms, the content of the respective regimes reflects the date of their creation, in addition to the basic philosophy that informed their development. The earliest regimes were deeply rooted in the Regional Seas Programme which was launched by UNEP, reflecting the establishment of that agency as a direct outcome of the Stockholm Conference. Not surprisingly, therefore, the key components of these regimes address environmental assessment; environmental management; and environmental legislation, in addition to institutional arrangements; and financial arrangements.

The Mediterranean Action Plan, with its focus on pollution issues, most comprehensively exemplifies this approach. From the inception of the Mediterranean initiative, UNEP has played a leading role in its formulation and implementation. The close relationship between the MAP and the UNEP approach has been illustrated by reference to the fact that UNEP has performed its secretariat functions from its very inception. The recent preoccupation with the more complex, multidimensional concept of sustainable development has had obvious implications for this approach.

In general, three approaches to marine regionalism have been identified:

1. Adoption of the Regional Seas Programme with little or no change, as in the case of the Mediterranean;
2. Employing the Regional Seas Programme as a prototype, but with modifications to take account of special regional characteristics, as in the case of the Caspian Sea;<sup>23</sup> and
3. Development of a completely different regime, as in the case of the Black Sea.

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<sup>23</sup> A similar observation is applicable in the case of the Pacific regional approach to ocean management.

On the basis of a review of these approaches, the observations in the following sections may be highlighted in the context of lessons learnt:<sup>24</sup>

1. A thorough assessment of the critical issues affecting a region is a major prerequisite for the establishment of an effective regional management regime for coastal and marine areas, given the need for policy interventions based on rational, scientific criteria;
2. The assessment must be designed in accordance with the characteristics of the region in question, bearing in mind the importance of the ecosystem approach;
3. The scope of the assessment should embrace social, economic, as well as environmental factors that pose a threat to the quality of coastal and marine areas;
4. Such assessments should be the subject of periodic review;
5. Assessment, monitoring and evaluation may be conducted on the basis of the allocation of thematic areas to respective new or existing institutions. Coordination, however, remains a critical requirement;
6. Where both developed and developing countries are members of the same region and, also in the more general context, care should be taken to ensure that disparities in technical and scientific capability are addressed.

### **3.1 Basic institutional issues**

1. The management of coastal and marine areas at the Caribbean subregional level involves the sharing of common resources by a number of countries which are at different stages of development and have different profiles in relation to such factors as size, population, political system, constitutional development and other socio-economic and political factors. As a result, it is imperative that any regional regime for the management of coastal and marine areas incorporate appropriate intergovernmental mechanisms at the political, technical and administrative levels;
2. The promotion of a regional approach to the management of coastal and marine areas would require, either the strengthening of an existing institution, or the creation of a new one;
3. The management process could be frustrated or impeded if driven by political considerations, without a clear elaboration of the technical, legal and scientific issues. This element is critical since any regional approach to the management of coastal and marine areas must be consistent with international law. In addition, such a regime will need the support of other partners, including the major maritime nations and a number of international organizations.
4. In the development of a regional management regime, the greater the number of countries involved, the more difficult it could be to reach consensus, especially if there are significant disparities with respect to the elements mentioned at (1) above;
5. High-level political involvement and commitment are necessary to give legitimacy and impetus to the process, to assist with goal-setting, and to address

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<sup>24</sup> This section incorporates a number of observations documented in the annexed Select Bibliography, in particular Payoyo, 1994.

critical political questions related to such issues as sovereignty, funding, national commitments and the allocation of obligations and benefits.

### **3.2 Institutional structures**

The different bodies and agencies that might constitute the regional institutional arrangement for the management of coastal and marine areas, include:

- Intergovernmental forums;
- Secretariats;
- Bureaux;
- Regional focal points or thematic centres;
- Regional councils or commissions;
- National focal points; and
- Non-governmental organizations, the private sector and civil society, in general.

### **3.3 Financial arrangements**

The review of the several regional regimes has yielded only a limited range of funding arrangements. In most regions, funding is secured on a project-by-project basis from traditional international donor or funding agencies, such as the GEF, UNDP, UNEP and the World Bank. Financing is also sourced on a bilateral basis from developed country partners. The Regional Trust Fund established in the Mediterranean region was created at the very inception of that initiative. Provision was made in the Barcelona Convention for the regulation of the Trust Fund. Difficulties related to the non-payment of financial contributions are also frequently encountered. Additional approaches to financing might envisage the involvement of ocean businesses in the development and execution of specific investment projects. The submission of regional, vis à vis national, projects to donor agencies represents yet another recourse.

### **3.4 Legal aspects**

1. The adoption and implementation of a strong and well structured regional agreement emerge as critical elements of any regional regime for the management of coastal and marine areas. Such an agreement would define the scope and jurisdiction of the regime and endow the management process with certainty, as well as legitimacy;
2. A regional agreement is also necessary for the clear definition of the obligations, duties and benefits of the respective contracting parties. A noticeable weakness of existing regional agreements is the absence or inadequacy of enforcement and compliance provisions;<sup>25</sup>

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<sup>25</sup> The Framework Convention for the Protection of the Marine Environment of the Caspian Sea, in its Article 29, makes provision for the development of “appropriate rules and procedures concerning liability and compensation for damage to the environment of the Caspian Sea resulting from violations of the provisions of this Convention and its protocols.” In addition, there are several instances in which regional agreements have been ratified by countries which then fail to implement them at the national level. The preparation and submission of national reports and related information also present considerable difficulty in many cases.

3. Given the international legal framework governing coastal and marine areas, any regional agreement must be in conformity with international law;
4. In order to be effective, the regional agreement must be binding on all the coastal States of the region;
5. Given existing, as well as new and emerging threats to coastal and marine areas, the establishment of an effective liability and compensation is critical. This element becomes even more relevant in regions in which the ocean space is used by countries that are not parties to the regional agreement;
6. The common approach to regional agreements, following the UNEP model, has been to adopt framework-type conventions, supplemented by a number of detailed protocols that address specific technical issues. The more recent regional agreements have also codified the soft law of the principles embodied in the Rio Declaration on Environment and Development as fundamental elements;
7. A significant advantage of recourse to framework agreements is that, given the specialized nature of subsequent protocols, these can be used to create strategic linkages and synergies with global Multilateral Environmental Agreements (MEAs) such as the International Maritime Organization (IMO)-related agreements; the Basel Convention; the Convention on Biological Diversity (CBD); the United Nations Framework Convention on Climate Change (UNFCCC); and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
8. The establishment of linkages and synergies with global MEAs would also help to reduce potential conflicts with the international legal framework and enhance the prospects for successful implementation through cooperation with other coastal States, flag States and international organizations;
9. Regional agreements have the added advantage of endowing the ensuing regional action plans, strategies and policies with the force of law. As indicated earlier, some regional agreements require parties to enact national environmental and other laws and policies. Such agreements also govern the administrative functions, including secretariat responsibilities, other institutional arrangements and funding. A significant innovation in the Mediterranean region is the establishment of a Regional Environment Trust Fund to support the implementation of the Regional Agreement, the Regional Action Plan and projects;
10. The Regional Agreement should encourage the creation of centres of excellence distributed among the coastal States in the region. Such centres might focus on agreed priority areas such as pollution, climate change, coastal zone management, biodiversity, heritage and culture, fisheries; remote sensing, and technology issues.

### 3.5 Technical issues

Under this heading, two general observations may be made with respect to the planning process:

1. It may involve a number of steps, including the formulation of an overall sustainable development programme; a regional strategic action plan; and national action plans;
2. It should be inclusive and transparent and involve NGOs and other elements of civil society, including representatives of ocean businesses.

## SECTION 4: SUMMARY IMPLICATIONS FOR THE MANAGEMENT OF THE CARIBBEAN SEA

While international law has traditionally been conceived in terms of a body of rules for global application, a number of factors have intervened to prompt departures from such stipulations in order to address specific or unique regional circumstances. In the case of the 1982 Convention, this instrument provides for joint action, technical cooperation and a range of other management mechanisms at the sub-global level. A major caveat, however, is to the effect that these sub-global arrangements must accord with the basic global norms.

Reflecting the recognition by the international community of the utility of regional approaches to the management of marine areas in given contexts, the 1982 Convention makes the specific provision in its Article 123, to the effect that:

*States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they shall endeavour, directly or through an appropriate regional organization:*

- a. to coordinate the management, conservation, exploration and exploitation of the living resources of the sea;*
- b. to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment;*
- c. to coordinate their scientific research policies and undertake, where appropriate, joint programmes of scientific research in the area;*
- d. to invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article.*

As earlier indicated, this Article has also been adduced to demonstrate the legal feasibility of efforts towards marine regionalism in the Caribbean.

## 4.1 The Caribbean Sea Proposal

The proposal for “Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development”, that is now before the United Nations General Assembly, has its origin in a decision adopted at the Caribbean Ministerial Meeting on the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States which convened in Barbados, over the period, 10-14 November 1997.<sup>26</sup> The original proposal, as adopted by the ministerial meeting, was in respect of “the international recognition of the Caribbean Sea as a special area in the context of sustainable development.”<sup>27</sup>

In summary terms, the fundamental objective of the proposal was the international recognition of the Caribbean Sea as a special area, not by reference to any single mode of use or abuse of that sub-oceanic basin, but in the comprehensive context of sustainable development. The proposal would build on the Convention for the Protection and development of the Marine Environment of the Wider Caribbean Region (“the Cartagena Convention”) which, as has been mentioned above, is the Framework Convention of the Regional Seas Programme for the Caribbean and Adjacent Regions,<sup>28</sup> as it seeks global acknowledgement of the unique environmental, economic and social values of the Caribbean Sea and of the significance of these to the peoples of the region.<sup>29</sup> Its detailed elaboration would also be informed by the recognition in the SIDS Programme of Action (Paragraph 25) that sustainable development in small island developing States depends largely on coastal and marine resources, because their small land area means that those States are effectively coastal entities.

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<sup>26</sup> This meeting was convened under the auspices of the Economic Commission for Latin America and the Caribbean (ECLAC) Subregional Headquarters for the Caribbean, with the collaboration of a number of other regional and international agencies.

<sup>27</sup> The countries and territories of the Caribbean are aware that “Integrated Management” is enshrined in Agenda 21 and has been adopted by other regional approaches to ocean management, among them, those of the Asia-Pacific Region.

<sup>28</sup> The Cartagena Convention is the only regional environmental agreement in the wider Caribbean region. It is supplemented by three Protocols dealing with oil spills; specially protected areas and wildlife; and land-based sources of pollution. This last is yet to enter into force. It is significant that, in establishing the Convention and its various Protocols as they stood in 1997, Caribbean States declared that they were “fully aware of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean.” They subsequently noted, however, that, “in spite of progress already achieved these achievements do not cover all aspects of environmental degradation and do not entirely meet the special requirements of the Wider Caribbean Region.”

<sup>29</sup> There is a very close interdependence between the economies of the Caribbean; the well-being of the Caribbean people; and the coastal and marine environment. Marine-based tourism and fisheries are major economic pursuits and the coastal area is the principal site of settlement. The core ecosystem services accruing to the region from the Caribbean Sea include aesthetic, cultural and recreational values. In the economic sphere, in most islands, tourism revenue accounts for 15-99% of goods and services. These ecosystem goods and services are under threat from internal shipping; waste from yachts, cruise liners and large extraregional commercial fishing vessels; overfishing and land-based sources of pollution which also threaten sustainable livelihoods; destruction of mangroves for the construction of hotels; deforestation and land-clearing which promote soil loss and fertilizer run-off leading to algal blooms in the coastal zones; and the blasting of channels through coral reefs to facilitate the developing of marinas.

#### ***4.1.1 The Special Area in the context of the sustainable development concept vis à vis the integrated management approach***

In its construction of the concept of the Caribbean Sea as a special area in the context of sustainable development, the ministerial meeting of 1997 explored regional, as well as wider international instruments that might provide practical elements in international law and practice such as might be adduced in support, or in furtherance of, the proposal, including its operationalisation. It was in that context that it was indicated that the “special area in the context of sustainable development” proposal would seek to advance the Cartagena Convention, as well as MARPOL 73/78.<sup>30</sup> With respect to the latter instrument, this is well known as a result of the designation, in 1990, in accordance with the provisions of its Annex V, of the wider Caribbean region as a “Special Area”. However, in MARPOL 73/78:

*Special Area means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of Sea pollution by garbage is required.*

Following the review of MARPOL 73/78, it was at once clear that its “Special Area” which was intended to treat merely the prevention of marine pollution by garbage was a concept of extremely restricted application. In the context of the ministerial meeting which had, as its ultimate concern, the sustainable development of the small island developing States (SIDS) of the Caribbean and of the subregion as a whole, the search was for a concept of infinitely wider scope: not the “Special Area” concept of MARPOL 73/78 but a “Special Area in the context of sustainable development”. This is the literal origin of the proposal. What was envisaged was a concept with an extended range of attributes and characteristics, under which could be subsumed all activities aimed at the preservation of the Caribbean Sea area in all its aspects and, in a word, the sustainable development of that environment, broadly defined, including its resources and the appurtenant coastal areas, with due regard to economic, social, as well as environmental parameters. It is on this basis that the region embarked on the search for a modern, comprehensive international instrument that would establish the “special area in the context of sustainable development” with all its corresponding elements, in legal, as well as operational terms.

Further, in the contemporary era of the EEZ sanctioned by the 1982 United Nations Convention on the Law of the Sea, in its Part V, Articles 55-75, coastal States enjoy:

*56.1. a Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;*

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<sup>30</sup> MARPOL refers to the International Convention for the Prevention of Pollution from Ships. The 1973 Convention never entered into force, but following its revision, in 1978, to limit its impact to oil pollution, it entered into force on 1983. (Nolet, 1995)



56. *1.b. jurisdiction as provided for in the relevant provisions of this Convention with regard to:*

- (i) *the establishment and use of artificial islands, installations and structures;*
- (ii) *marine scientific research;*
- (iii) *the protection and preservation of the marine environment;*
- (iv) *other rights and duties provided for in this Convention.*

Taking the foregoing into account and given, moreover, the close interface between the land and the sea, it is more than feasible, not to say practical, to construe small island States, including the marine areas under their jurisdiction, as a single unit for development-planning purposes. This approach is advocated in the OECS circles as Island Systems Management (ISM) and, as indicated above, it is an approach that is advocated in the SIDS Programme of Action.<sup>31</sup>

Armed with an all-embracing umbrella concept, such as was envisaged with the formulation of the special area in the context of sustainable development, a proposal may be formulated to provide the rationale for all development programmes of the SIDS of the Caribbean, in respect of marine, as well as coastal activities. Likewise, donor funding could be sought on that basis, for example, to facilitate technical and other forms of assistance to deal with development problems on land, as a means of preventing damage to the marine environment. There could be, for example, a situation in which poverty and unemployment on land lead to over-fishing and the degradation of the marine environment. For the corresponding policies to be successful, both sets of issues would need to be addressed in tandem. Implicit in the proposal is the recognition of the importance of the marine environment as a key resource of central social, economic and political significance to the Caribbean reality. The overall texture of the proposal was therefore informed by elements which transcended the purely environmental dimension.

#### ***4.1.2 The overall legal, technical and political feasibility of the Caribbean Sea proposal***

At the 1997 Caribbean Ministerial Meeting on the implementation of the SIDS Programme of Action, emphasis was placed on the need to explore the several issues related to the technical and legal feasibility of the Caribbean Sea proposal. The earlier reference to the 1982 Convention, which contemplates regional approaches to ocean management, is deemed sufficient to indicate the existence of a sound legal basis on which further development of the proposal might proceed. In further work undertaken by the region, more recently, a number of other international conventions and other instruments have been identified as being relevant to the further development of the Caribbean Sea proposal.<sup>32</sup>

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<sup>31</sup> The ISM concept is approached as a framework, as well as a process, for integrated development. This approach seeks the involvement of all stakeholders and holds out the prospect of providing an effective mechanism for addressing the sustainable development agenda of Small Island Developing States.

<sup>32</sup> Apart from the 1982 Convention and the Cartagena Convention, over 70 conventions and other instruments have been identified covering fisheries, biodiversity, pollution, environmental management, and shipping.

### ***4.1.3 The technical feasibility***

In favour of the technical feasibility of the proposal is the clear recognition of the Caribbean as a physically defined geographical region with its cluster of countries occupying locations in the same geographical area. Thus, the Caribbean also emerges as what is referred to in the literature as a management region, in which there exist well-defined problems capable of joint treatment by the group of countries concerned. This issue might be exemplified in those situations in which a number of countries are situated along the migratory path of a given fish stock. Management of that fish stock, to be effective, must be undertaken on a collaborative basis. In that context, the Caribbean could then be approached as an operational region, or as the site or sites of one or more regional arrangement(s) or mechanism(s) designed to implement cooperative activities in promotion of the sustainable development of the Caribbean Sea area.

Also at the 1997 ministerial meeting it became clear that, not only was the explicit call to marine regionalism inherent in the proposal sanctioned by international law, but also that this approach had been made imperative in the context of the shared maritime space that is the Caribbean Sea and of the transnational nature of environmental phenomena, including the arbitrary boundaries of ecosystems. Basically, the proposal sought to move beyond political declarations to the effective management of the Caribbean Sea and its resources, including those of the coastal areas by the group of neighbouring States, with appropriate forms of collaboration from extraregional entities. Nor was the proposal intended to imply that all issues in the Caribbean Law of the Sea problematique were necessarily amenable to any arbitrary decisions by Caribbean States acting in isolation from the rest of the international community. Indeed, the recognition of this factor was deemed to constitute a fundamentally important aspect in the determination of the legal, as well as technical feasibility of the concept and was indicated to be in need of further exploration so that any limiting factors might be identified and addressed.

Likewise, the ministerial meeting was aware that, in the thrust to regional cooperation at the level of the wider Caribbean subregion, what was being pursued was the development or reinforcement of still novel types of interstate relations for coordination and for the distribution of services and other benefits among the countries concerned. Against the foregoing, a factor that argues most strongly for a system of regional arrangements is the common ecological framework of the Caribbean Sea. Fundamentally, from the operational perspective, the Caribbean Sea proposal seeks to address the functional imperatives inherent in the discharge of necessarily transnational functions.

### ***4.1.4 The political feasibility***

With respect to the political feasibility of the concept, in advancing the proposal, the 1997 ministerial meeting necessarily took into account the existence of over three dozen political entities that are either located within, or border the Caribbean Sea. Therefore, any project which purported to cover the entire area of that Sea needed to envisage a process of thorough, perhaps complex, political consultation and negotiation.

Among the factors to be taken into account in this political calculus, is the presence, in the region, of countries with different levels of development, different constitutional status, and

different levels of technological capacity. It was envisaged that these differences, among others, would generate differing perceptions and interests and that this fact needed to be confronted as a potential challenge to the crystallization of a political consensus on the matter. Nor was the significant metropolitan presence, representing dominant maritime powers, in the subregion to be overlooked.

A number of developments including the successful preparation, presentation and defence of three resolutions before the United Nations General Assembly may already be adduced at this stage, as evidence of the political viability of the proposal. The need to ensure thorough preparation of the many complex issues involved and of sustained broad-based consultations cannot be overstressed, however.

## **SECTION V: CONCLUSION**

By virtue of the adoption, by the United Nations General Assembly, of resolutions 54/225; 55/203 and 57/261, all entitled “Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development”, Caribbean coastal States have achieved:

- The apparent recognition of the Caribbean Sea as an enclosed or semi-enclosed sea, by virtue of the reference to the pursuit of integrated management in the context of regional cooperation;
- Recognition of the heavy reliance of Caribbean economies on their coastal areas, as well as on the marine environment, for the achievement of sustainable development;
- Recognition, also, of the dynamic interaction, including competition, among the socio-economic sectors for the use of the coastal and marine environment;
- Extensive, explicit recognition of the pollution issue by reference to ship-generated waste, land-based sources, radioactive materials, and nuclear waste;
- A prompt to the wider international community, the United Nations system, the multilateral financial agencies and the GEF to provide support (presumably financial) to the approach of the Caribbean Sea proposal; and
- The identification of over a dozen significant treaties, declarations and other instruments that might be relevant to the further development and eventual implementation of the Caribbean Sea proposal.

Bearing in mind the further development of the Caribbean proposal within the context of the United Nations General Assembly, a number of critical elements remain to be either finalised or refined, among them:<sup>33</sup>

1. The definition of the concept of “special area in the context of sustainable development”;
2. Related to (1) above, the precise scope of the concept, including the identification of the specific elements to be embraced by it and the activities to be covered;
3. The institutional arrangements for the implementation or management of the “special area in the context of sustainable development”; and
4. The method of financing of the “special area’ concept.

The present study embodies a review of the common problems of enclosed and semi-enclosed seas and of the major issues encountered in their management. In that context, it illustrates a number of management modalities which, with appropriate modification, may be brought to bear on the management regime envisaged by Caribbean coastal States and territories in the context of their proposal for “the international recognition of the Caribbean Sea as a special area in the context of sustainable development” which is now before the United Nations General Assembly under the rubric of “Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development”.

In this regard, in relation to the other enclosed or semi-enclosed seas that have been reviewed, it is recognised that the Caribbean Sea has its own peculiarities, not to mention complexities. This might be illustrated by reference to the sheer number of countries that are located in, or border this sea, as well as their varying political, economic, constitutional and other profiles as has been detailed above. The fact that so many Caribbean littoral States fall within the category of SIDS constitutes yet another very important characteristic of the subregion.

Nevertheless, by virtue of the identification of the major legal, political, technical, institutional and financial aspects that need to be factored into any effective regime for the governance of regional bodies of ocean space, the study is presented as a contribution to the further development and eventual implementation of the Caribbean Sea proposal as outlined above.

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<sup>33</sup> The ECLAC Subregional Headquarters for the Caribbean collaborates quite actively with the ACS within which the proposal is anchored. Such collaboration spans participation in the ACS-sponsored Technical Advisory Group and the commissioning of relevant studies whether jointly with the ACS or as a separate initiative. It is envisaged that such studies, in addition to the present document, will help inform the progress report that the ACS has been invited to submit to the United Nations General Assembly in accordance with resolution 57/261.

### Select bibliography

Alexander, L.M. (1973) "Indices of Interest in the Oceans", in Ocean Development and International Law, Vol. No.1.Spring 1973

Chaturvedi, S.C (1973): The North Sea Continental Shelf Cases Analysed in the Indian Journal of International Law, Vol.13, 1973

CSCAP (2000): The Practice of the Law of the Sea in the Asia-Pacific in CSCAP Memorandum No.6, 2000

Djalal, Hasjim (2002): Institutional Framework for Eco-system Based Management in the Asia-Pacific Region

EMA (1996): Trinidad and Tobago: State of the Environment 1996 Report, 1996

Gamble, J and Pontecorvo, G. (eds.) (1974) Law of the Sea: The Emerging Regime of the Oceans, Ballinger, Cambridge, Mass., 1974.

Ginsberg, N: Perspectives on a Caribbean Region, in *Pacem in Maribus: Caribbean Study and Dialogue*, Malta University Press, 1974

Helsinki Commission (2003): The Baltic Marine Environment 1999-2002, Baltic Sea Environment Proceedings No.87, Baltic Marine Environment Protection Commission, 2003.

Hodgson, R.D. (1974) The American Mediterranean: One Sea, One Region" in Gamble, J and Pontecorvo, G. (eds.) Law of the Sea: The Emerging Regime of the Oceans, Ballinger, Cambridge, Mass., 1974.

International Ocean Institute (1974): *Pacem in Maribus: Caribbean Study and Dialogue: Caribbean Study Project Working Papers and Selection from Dialogue at Preparatory Conference, Jamaica, October 1972*. International Ocean Institute 1974

Johnston, Douglas M. (1978): Regionalization of the Law of the Sea- Proceedings of the Law of the Sea Institute Eleventh Annual Conference, November 14-17, 1977- Ballinger Publishing Company, Cambridge, Massachusetts, 1978.

Kimball, Lee A. (2001): International Ocean Governance: Using International Law and Organizations to Manage Marine Resources Sustainably IUCN 2001

Mee, Laurence D.: Your Guide to the Black Sea Strategic Action Plan at <http://www.undp.org/gef/new/blacksea.htm> , consulted on 13 May 2004.

Nolet, Gil (1995): An overview of International Environment Convention, Environment Division, Inter-American Development Bank, Working Paper Series ENV2, April 1995

Park, Choon-ho (1983): East Asia and the Law of the Sea. The Institute of Social Science International Studies Series No.5 Seoul National University Press, 1983

Payoyo, Peter Bautista (Ed.) (1994): Ocean Governance: Sustainable Development of the Seas United Nations University Press Tokyo. New York. Paris 1994

Shaw, B. et al (1998): Environmental Baseline Analysis of the Caspian Sea Region, Pacific Northwest National Laboratory, Richland, Washington 99352 at <https://www.denix.osd.mil/denix/public/Intl/Garmisch/About/Docs/garmischshaw01.html>

Tsamani, Martin; Djalal, Hasjim; and Palma, Mary-Ann (2002): Institutional Frameworks for Ecosystem-Based Management in the Asia-Pacific Region. Source: [www.oceans.gov.au/pdf/EBM-Asia%20Pacific%20Paper.pdf](http://www.oceans.gov.au/pdf/EBM-Asia%20Pacific%20Paper.pdf) 2002.

United Nations (2002): Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002 (A/CONF.199/20) United Nations publication, Sales No. E.03.II.A.I), Chap. I, Resolution I, Annex

United Nations (1994): Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994. United Nations publication, Sales No.E.94.I.18 and corrigenda, Chap. I, Resolution 1, Annexes 1 and 11

United Nations (1992): Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. United Nations publication, Sales No. E.93.I.8 and corrigenda, Vol.1. Resolution 1, Annex 1.

United Nations (1983): The Law of the Sea, Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index, United Nations, New York, 1983. United Nations publication, Sales No.E.83.V.5

United Nations General Assembly Resolution (2002) 57/261

United Nations General Assembly (2001) resolution 55/203

United Nations General Assembly (2000) 54/225

United Nations General Assembly (1999) resolution S-22/2 annex

United Nations Treaty Series, Vol.1506, No.25974 (The Cartagena Convention)

Velazquez, Bonifacio (1978): Isla de Aves y las Agresiones Extranjeras a Venezuela, Imprenta Universitaria, Caracas, Venezuela, 1978